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Serial No. 10/539,668

Art Unit: 1751

**REMARKS**

Before discussing the rejections over the prior art, Applicants deem it prudent to set forth what they consider to be their invention. As presently claimed, the invention is a process for reducing the residual halo carbon compound content of an alkyl oligoglycoside carboxylic acid or alkenyl oligoglycoside carboxylic acid salt. The process comprises heating the alkyl oligoglycoside carboxylic acid or alkenyl oligoglycoside carboxylic acid salt, water and the residual halo carbon compounds at a pH from 10 to 14 and a temperature of from 50°C to 120°C to produce a mixture with a reduced content of halo carbon compounds. The process of the present invention can provide an aqueous composition containing less than 5 ppm of organo monochlorine compounds and below 30 ppm of organo dichlorine compounds.

The process of the present invention effectively removes residuals of organic chlorine containing compounds from oligoglycoside carboxylic acid salts. Applicants respectfully submit that the process of the present invention is neither taught nor suggested by the prior art references cited by the Examiner.

Claims 11-30 stand rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Milstein et al. (WO 97/42299). Applicants respectfully submit that Milstein et al. neither teaches nor suggests the present invention.

Milstein et al. differs from the process of the present invention in that Milstein et al. is a non-aqueous process for producing an oligoglycoside carboxylic acid salt.

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Applicants therefore respectfully submit that Milstein et al. does not anticipate the present invention since the present invention is directed to an aqueous process for preparing oligoglycoside carboxylic acid salts with a reduced content of residual halo carbon compounds.

Applicants also respectfully submit that Milstein et al. would not teach or suggest the present invention since an aqueous process is far removed from the anhydrous process disclosed in Milstein et al. which would not make the present invention obvious. In addition, Applicants invite the Examiner's attention to page 10, Table 1, which discloses that the pH of the solids content (oligoglycoside carboxylic acid salts) is 9. This would mean that the process did not provide a composition with a pH in the range of 10 to 14 at the point where the residual halo carbon compounds would be removed from the product. Applicants therefore respectfully submit that Milstein et al. neither teaches nor suggests the present invention and a rejection based on 35 USC 102(b) or 35 USC 103(a) is untenable.

Applicants therefore respectfully request that the rejection be reconsidered and withdrawn.

Claims 11-30 stand rejected under 35 USC 102(a) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Schmid et al. (US 2004/0136939).

Applicants respectfully submit that the inventors of the present invention and the inventors of the invention disclosed and claimed in Schmid et al. were under duty to assign the inventions to Cognis Deutschland GmbH & Co. KG at the time the inventions

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were made. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection over Schmid et al.

Claims 11-30 stand rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Behler et al. (DE 10122255).

Applicants respectfully submit that Behler et al. neither teaches nor suggests the present invention.

As discussed supra and as presently claimed, the present invention is directed to a process for reducing the residual content of halo carbon compounds from an alkyl oligoglycoside carboxylic acid salt. The process of the present invention is not directed to manufacturing the oligoglycoside carboxylic acid salt. The process is not directed to preparing the alkyl or alkenyl oligoglycoside carboxylic acid salts but in destroying residual amounts of halo carbon compounds in the product. The processes are substantially different in that the process of the present invention does not attempt to react the alkyl or alkenyl oligoglycoside with the residual halo carbon compounds in the reaction mixture. Applicants are not certain that any of the residual halo carbons are reacted with the unreacted alkyl or alkenyl oligoglycosides in reaction mixture in the process of the invention. However, from the pH range utilized and the ratio of the alkali material to the residual halo carbons, it is clear that it is not the intent of the present invention to react the residual halo carbons with the unreacted alkyl or alkenyl oligoglycoside. If one looks to the examples in Behler et al., one would see that the

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ratio of the mols of the alkaline material to the mols of sodium chloroacetate are in the range of about 1:1.

In contrast to the teachings of Behler et al., the molar ratios shown in the examples of the present invention are in the range of alkali to halo carbon of from 81:1 in Example 1 and 44:1 in Example 2. Clearly, one skilled in the art would understand that the high pH and the high mole ratio of alkali to halo carbon would teach that the process of the present invention was not an attempt to react the residual halo carbon with the unreacted alkyl or alkenyl oligoglycoside which may be present in the reaction mixture. The present invention is directed to merely destroying the halo carbons to provide a composition which contains only small amounts of organic chlorine compounds.

The present invention is directed to an after treatment for the product disclosed in the Behler et al. reference. That is, the present invention is directed to destroying the small amounts of halo carbons which are unreacted in the product of the Behler et al. process. Applicants therefore respectfully submit that Behler et al. neither teaches nor suggests the present invention. Nowhere in Behler et al. is there a teaching or suggestion that the mol ratio of the alkali to halo carbon (MCA) used in the process be in the range of 44:1 to 88:1 as shown in the examples in the present application.

The process of the present invention is described at page 4, lines 13 through page 5, line 8, and its treatment of the product of the process shown in Behler et al.

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It is clear that the present invention does not involve a process such as disclosed in Behler et al. since the amount of organic chlorine compounds in the starting composition is in the range of up to about 2,500 ppm. In contrast to the present invention, the starting reaction mixture of Behler et al. in Example 1 contains 14.5% by weight of the halo carbon and in Example 2 the reaction mixture contains 27% by weight of the halo carbon. Clearly, Behler et al. and the present invention are directed to different processes and achieve different results.

Applicants respectfully submit that Behler et al. neither teaches nor suggests the present invention and a rejection based thereon is untenable. Applicants respectfully request withdrawal of the rejection.

Claims 11-30 stand provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 12-22 of co-pending application No. 10/476,593. Applicants respectfully submit that the claims in 10/476,593 are not related to the claims in the present application.

Application Serial No. 10/476,593 is directed to the process for preparing a mixture of an alkyl or alkenyl oligoglycoside and an alkyl or alkenyl oligoglycoside carboxylate salt. The process is similar to the process disclosed in Behler et al. in that the alkyl or alkenyl oligoglycoside is reacted with the chloro carboxylic acid salt in the ratio on which the number of carboxylic acids substituents are intended to be present on the oligoglycoside moiety. Applicants respectfully submit that one skilled in the art could practice the invention disclosed in Serial No. 10/476,593 without infringing the

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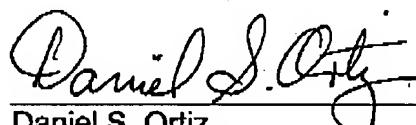
claims to the process of the present invention. Likewise, one skilled in the art could practice the invention as claimed in the present application without infringing the claims of Application Serial No. 10/476,593.

Since either of the patents can be operated without infringing the other, Applicants respectfully submit that there is no possibility of an extension of the patent rights granted should either of the applications be allowed. Applicants therefore respectfully submit the rejection of obviousness-type double patenting is untenable and Applicants respectfully request that the rejection be reconsidered and withdrawn.

In view of the above discussion, Applicants respectfully submit that the application is in condition for allowance and favorable consideration is requested.

Applicants herewith submit a copy of the original Declaration from the file of the subject application.

Respectfully submitted,



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Enclosure: Declaration

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